

REMARKS

This is in full and timely response to the Office Action mailed on May 26, 2010.

Reexamination in light of the following remarks is respectfully requested.

1 Restriction Requirement

The Restriction Requirement of May 26, 2010 asserts an existence of the following species:

- ◆ Species 1: figure 2
- ◆ Species 2: figures 3, 4, and 5
- ◆ Species 3: figure 6
- ◆ Species 4: figure 7
- ◆ Species 5: figure 8
- ◆ Species 6: figure 9
- ◆ Species 7: figures 10 and 11
- ◆ Species 8: figures 12 and 16
- ◆ Species 9: figures 13 and 17
- ◆ Species 10: figures 14 and 15

2 Election

The Applicant, through its representatives and attorneys, hereby provisionally elects, WITH traverse, the invention of the alleged Species 1: figure 3-5, having claims 31, 32-41, 42, 46, 47, 48, and 49 readable thereon.

3 Traversal

For the reasons provided hereinbelow, the Restriction Requirement made within the Office Action mailed on May 26, 2010 is respectfully traversed.

3.1 The Restriction Requirement is the principles of unity of invention.

The above-identified application is an application under 35 U.S.C. §371.

The above-identified application was filed under 35 U.S.C. §371 and 37 C.F.R. §§1.494 or 1.495, being based upon international application No. PCT/JP2004/004991.

Accordingly, M.P.E.P. §1893.03(d) provides that the principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application.

Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications.

3.2 The Restriction Requirement fails to either (1) list the different groups of claims or (2) explain why each group lacks unity with each other group.

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e.,

why there is no single general inventive concept) specifically describing the unique special technical feature in each group. M.P.E.P. §1893.03(d).

However, the Restriction Requirement of May 26, 2010 fails to explain why each group lacks unity with each other group.

Thus, the Restriction Requirement is improper at least for this reason.

4 Relief

Withdrawal of this Restriction Requirement and examination of all pending claims is respectfully requested.

An early Action on the merits of this application is additionally respectfully requested.

5 Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

6 Fees

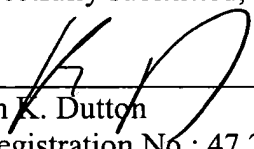
The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. NAG-0128 from which the undersigned is authorized to draw.

Dated: July 2, 2010

Respectfully submitted,

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